

Committee on Resources

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**Statement of
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Department of the Interior**

**Before the Committee on Resources
United States House of Representatives**

on

S. 1003, The Navajo Hopi Land Settlement Act of 1974

June 20, 2006

Mr. Chairman and members of the Committee, my name is William P. Ragsdale. I am the Director of the Bureau of Indian Affairs. I am pleased to be here today to discuss 1003, the "Navajo Hopi Land Settlement Amendments of 2005. We applaud the effort to bring this 150-year dispute to a close.

Background

On December 16, 1882, President Chester Arthur signed an Executive Order that set aside approximately 2.5 million acres of land in northern Arizona for the Hopi Tribe and "such other Indians as the Secretary may see fit to settle thereon." At the time of the 1882 Executive Order, there was a small but indeterminate number of Navajos residing on portions of these reserved lands. Throughout the 1890's and to this day, members of the Hopi tribe and the Navajo Nation have disputed the right to occupy lands within the 1882 reservation. In 1962, the Federal District Court ruled that both the Hopi Tribe and the Navajo Nation had joint rights to use the 1882 Executive Order Reservation lands. This joint use proved unworkable. In 1974, Congress enacted legislation to resolve the joint use rights by partitioning the land and relocating members of each Tribe from lands adjudicated to the other Tribe. The 1974 Act provided relocation benefits to Tribal members residing on lands partitioned to the other Tribe, and established the Office of Navajo and Hopi Relocation to provide those benefits. To date, all Hopi families that were residing on Navajo land have been relocated and a number of Navajo families are still in some stage of the relocation process.

S. 1003

The Department testified before the Senate Indian Affairs Committee in July 2005 on S. 1003. While most technical concerns raised by the Department with the bill have been addressed, some issues remain. The Department is concerned with terminating the Office of Navajo and Hopi Indian Relocation, which would occur on September 30, 2008, and transferring any remaining responsibilities of the Relocation Office to the Secretary of the Interior.

The Office of Navajo and Hopi Indian Relocation (the Office) is an independent agency responsible for a multitude of ongoing activities. Since the Office is an independent agency, we request Congress clarify that it does not intend to establish an "Office of Relocation within the Department of the Interior;" but instead that Congress intends to transfer the responsibilities of the Office to the Bureau of Indian Affairs (BIA).

If the responsibilities are transferred, the BIA is prepared to absorb some of its functions, such as range management, if provided with the level of resources currently provided to the Office. However, until we know exactly what responsibilities will remain when the Office is terminated we are unable to ensure Congress that we can successfully absorb these functions. Therefore, Congress should be explicit regarding what responsibilities and functions it intends BIA to assume once the Office is terminated. We firmly believe this is necessary in order for the Department to handle any remaining responsibilities effectively and efficiently.

Furthermore, we are concerned that anything less than a well-planned transition of responsibilities could further delay relocation activity. It is our understanding that there are still a number of families that are in some phase of the relocation process and there are still some families who are resistant to signing an accommodation agreement. Additionally, there are still a number of pending appeals to decisions on relocation. While it is difficult to predict how many of these cases will be resolved prior to the proposed termination of the Office, we think it is important for Congress to know how many appeals are pending and be apprised of the anticipated disposition of these cases. Although under the Commission's published regulations the time for filing applications for relocation assistance has expired, we understand that applications continue to be filed. In previous testimony, we suggested specific deadlines for filing housing applications and appeals. Without an accurate assessment of the status of applications and pending appeals it is extremely difficult to ascertain what responsibilities would be transferred to the Department of the Interior. We also remain concerned with the possibility of having to build houses for relocated families. Currently we have a very small program to assist tribes in their pursuit of funding for housing repairs or renovations. We recommend that Congress include the Department of Housing and Urban Development in any discussions pertaining to housing assistance.

This concludes my prepared statement. I will be happy to answer any questions you may have.